

**IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

WALLACE MONTGOMERY, et al.,)	
)	
Plaintiffs,)	
)	
v.)	CV 2:06-cv-880-WKW
)	
UNITED STATES OF AMERICA,)	
)	
Defendant.)	

RESPONSE TO SHOW CAUSE ORDER

COME NOW Plaintiffs, Wallace Montgomery and Phyllis Montgomery, in the above-referenced case and respectfully respond to this Honorable Court's Order regarding a jury trial of this matter. As the United States has now conceded this is a Federal Torts Claim Act claim and by doing so has expressly admitted that their employee was acting within the line and scope of her employment, Plaintiffs agree that a jury demand in this case is due to be stricken.

Respectfully submitted,

/s/ J. Callen Sparrow

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CERTIFICATE OF SERVICE

I hereby certify that on January 3, 2007, I electronically filed the foregoing pleading with the Clerk of the Court using the CM/ECF system which will send notification to such filing to the following parties:

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And I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:

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/s/ J. Callen Sparrow
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